

ADAM R.F. GUSTAFSON
 Acting Assistant Attorney General
 SHEILA McANANEY (ILBN 6309635)
 SAMANTHA M. RICCI (CABN 324517)
 Trial Attorneys
 Environmental Enforcement Section
 Environment & Natural Resources Division
 United States Department of Justice
 P.O. Box 7611
 Washington, D.C. 20044
 Telephone: (202) 616-6535 (McAnaney)
 Emails: Sheila.McAnaney@usdoj.gov
 Samantha.Ricci@usdoj.gov
 Genevieve.Geiger@usdoj.gov

Attorneys for Plaintiff United States of America

(Please see signature page for complete list of all parties represented)

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA and)
 PEOPLE OF THE STATE OF CALIFORNIA)
 by and through CALIFORNIA REGIONAL)
 WATER QUALITY CONTROL BOARD,)
 SAN FRANCISCO BAY REGION,)
 Plaintiffs,)
 v.)
 CITY AND COUNTY OF SAN FRANCISCO,)
 Defendant.)

Case No: 3:24-cv-02594-AMO

**JOINT STATUS REPORT ON
 ADR PROCESS AND STIPULATION
 TO EXTEND STAY OF LITIGATION
 DEADLINES**

Hon. Araceli Martínez-Olguín

JOINT STATUS REPORT ON ADR
 PROCESS AND STIPULATION TO EXTEND
 STAY OF LITIGATION DEADLINES
 Case No. 3:24-cv-02594-AMO

**JOINT STATUS REPORT ON ADR PROCESS AND STIPULATION TO EXTEND
STAY OF LITIGATION DEADLINES**

On December 9, 2024, the Court entered the Parties’ – Plaintiff United States of America (“United States”), Plaintiff People of the State of California by and through the California Regional Water Quality Control Board, San Francisco Bay Region (the “Regional Water Board”), Plaintiff-Intervenor San Francisco Baykeeper (“Baykeeper”), and Defendant City and County of San Francisco (“City” or “Defendant”) – Joint Stipulation and Order Extending Stay of Litigation Deadlines through April 30, 2025. ECF No. 30. The Order directs the Parties to file a joint status report by April 15, 2025, advising the Court of the status of their efforts to resolve this matter through private mediation. The Parties’ joint response summarizing the mediation timeline and efforts to date are respectfully submitted below.

The Mediation Timeline

Since the last status report was filed on November 14, 2025, the Parties have held one additional in-person mediation session on December 3, 2024 and one remote mediation session on March 25, 2025. The Parties have also held remote settlement meetings and have exchanged drafts of potential settlement agreements. The Parties have scheduled mediation sessions for April 22, 2025, and May 16, 2025, to continue discussions.

Current Status of the Mediation

Following the Supreme Court’s decision in *City and County of San Francisco v. E.P.A.*, 604 U.S. ___ (2025), the United States and the State of California (Government Plaintiffs) amended their Complaint and dropped Claim 1, which alleged violations of a permit condition virtually identical to the one at issue in the Supreme Court’s case. ECF No. 32. This significantly streamlines the issues to be resolved between the Government Plaintiffs and the Defendant. The Parties are successfully making progress on resolving the remaining claims of the Government Plaintiffs and ask the Court to continue the stay so that these issues may be resolved without further litigation.

JOINT STATUS REPORT ON ADR

PROCESS AND STIPULATION TO EXTEND

STAY OF LITIGATION DEADLINES

Case No. 3:24-cv-02594-AMO

Baykeeper does not intend to amend its complaint while the Parties continue to engage in mediation and seeks to resolve its claim alleging City's violations of permit requirements associated with Combined Sewer Overflows via the mediation process.

Stay of Litigation Deadlines

Counsel for the Parties and have met and conferred and jointly request that the Court extend its December 9, 2024 Order (ECF No. 30) to allow the Parties to continue productive settlement discussions for another six months. The Parties stipulate as follows:

1. The Parties request that all Case Management Conferences be deferred and any otherwise applicable deadlines, including deadlines under Rules 12, 16, and 26 of the Federal Rules of Civil Procedure, be stayed through October 31, 2025.

2. The Parties shall submit a joint status report by October 31, 2025, advising the Court of the status of their efforts to resolve this matter without further litigation.

3. If any Party withdraws from the mediation process prior to October 31, 2025, the Parties shall notify the Court within ten days of receiving written notice of withdrawal, and simultaneously request the Court schedule a Case Management Conference and re-instate any deadlines set under Civil L.R. 16-2(a).

4. Defendant shall answer or otherwise respond to the Complaint and Complaint-in-Intervention filed in this action under Rule 12 by no later than 21 days after any Party withdraws from the mediation process or November 21, 2025, whichever is earlier.

5. The Parties agree that Confidentiality terms of the Court's June 3, 2024 Order (ECF No. 26) shall continue to govern such discussions.



JOINT STATUS REPORT ON ADR
PROCESS AND STIPULATION TO EXTEND
STAY OF LITIGATION DEADLINES
Case No. 3:24-cv-02594-AMO